

## DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Housing Finance Agency, pursuant to Section 2(m) of the Housing Finance Agency Act of 1998, D.C. Law 12-247, D.C. Code § 42-2703.06 and DCMR § 10-3508.01, hereby gives notice of its intent to adopt the following amendments to the Agency's bylaws and rules, Chapter 35 of Title 10 DCMR, in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. These proposed amendments modify the Agency's bylaws and rules to change the day and time of the Agency's monthly meeting and to conform with statutory amendments to the Housing Finance Agency Act, including procedures for conducting meetings by teleconference, the composition of the Board and other technical amendments to the Housing Finance Agency Act.

The following rulemaking is proposed:

- 1) Subsection of Section 3501 (10 DCMR § 3501.2) is amended to read as follows:

The Board of Directors shall be comprised of five (5) members as follows:

- (a) Each member shall be a resident of the District of Columbia;
- (b) Two (2) members shall have experience in mortgage lending or finance;
- (c) Two (2) members shall have experience in home building, real estate, architecture, or planning; and
- (d) One (1) member shall represent community or consumer interests.

- 2) Subsection 3 of Section 3501 (10 DCMR § 3501.3) is deleted in its entirety and amended to read as follows:

Each member shall hold office for the term of his or her appointment and shall continue in a holdover capacity as provided under applicable law until replaced, unless he or she is otherwise removed in accordance with the law.

- 3) Subsection 4 of Section 3501 (10 DCMR § 3501.4) is deleted in its entirety and amended to read as follows:

The Board shall elect from among their number a Chairperson, Vice Chairperson, and such other officers as they may determine.

- 4) Subsection 5 of Section 3501 (10 DCMR § 3501.5) is deleted in its entirety and amended to read as follows:

The Chairperson and Vice Chairperson may be chosen by the Board at any meeting of the Board from among the members, and their tenure shall commence immediately and continue until the next succeeding annual meeting of the Board or until their successors are chosen, whichever first occurs.

5) Subsection 6 of Section 3501 (10 DCMR § 3501.6) is deleted in its entirety and amended as follows (the current language of 10 DCMR § 3501.7):

The Chairperson, and in his or her absence the Vice-Chairperson, shall be the presiding officer at all meetings of the Board of Directors. The Chairperson shall also have such powers and perform other duties as the Board of Directors may prescribe.

6) Subsection 7 of Section 3501 (10 DCMR § 3501.7) is deleted in its entirety and amended as follows (the current language of 10 DCMR § 3501.8):

In the absence of both the Chairperson and Vice Chairperson, a member of the Board whose last name appears prior in the alphabet to all other members of the Board present at the meeting shall preside.

7) Subsection 8 of Section 3501 (10 DCMR § 3501.8) is deleted in its entirety.

8) Subsection 1 of Section of Section 3502 (10 DCMR § 3502.1) is amended to read as follows:

The Board of Directors shall convene the regular meeting on the third (3<sup>rd</sup>) Tuesday of each month at 5:30 p.m. in the principal office of the Agency. If the day of the regular meeting falls on a holiday, the meeting shall be held on the next succeeding business day.

9) Subsection 3 of Section 3502 (10 DCMR § 3502.3) is deleted in its entirety and substituted with the following:

Meetings of the Board of Directors or committees thereof may be held by telephonic or other similar means so long as the Board Members and other person participating in the meeting may be heard by each other and the meeting is not otherwise held inconsistent with these rules and the Act.

10) Subsection 4 of Section 3502 (10 DCMR § 3502.4) is deleted in its entirety and substituted with the following (the current language of 10 DCMR § 3502.3);

Special meetings shall be held at the principal office of the Agency. Notice of each special meeting shall be published in the *D.C. Register*, or not less than three (3) days before the meeting in at least one (1) newspaper of general circulation.

11) Subsection 5 of Section 3502 (10 DCMR § 3502.5) is deleted in its entirety and substituted with the followings:

The annual meeting of the Board shall be held on the third (3<sup>rd</sup>) Tuesday of January of each year at 5:30 p.m. at the principal office of the Agency; provided that if the date falls on a holiday, the annual meeting shall be held on the next succeeding secular business day.

12) Current subsection 5 of Section 3502 (10 DCMR § 3502.5) is renumbered as subsection 6 of Section 3502 (10 DCMR § 3502.6).

13) Current subsection 6 of Section 3502 (10 DCMR § 3502.6) is renumbered as subsection 7 of Section 3502 (10 DCMR § 3502.7).

14) Subsection 1 of Section 3504 (10 DCMR § 3504.1) is amended to read as follows:

A majority of the then incumbent members of the Board of Directors at the time of any meeting shall constitute a quorum for the transaction of business.

15) Subsection 2 of Section 3504 (10 DCMR § 3504.2) is amended to read as follows:

The affirmative vote of three (3) incumbent members present at a meeting or as otherwise provided by law at which a quorum is present shall be the act of the Board of Directors.

16) Subsection 6 of Section 3506 (10 DCMR § 3506.6) is amended to read as follows:

The officers and employees of the Agency shall be compensated in accordance with §§ 112 and 113 of the Act.

17) Subsection 7 of Section 3507 (10 DCMR § 3507.2) is amended to read as follows:

**3507 EXECUTIVE DIRECTOR**

**3507.2** The Executive Director shall be the Secretary to the Board of Directors and in that capacity he or she shall do the following:

- (a) Keep or cause to be kept in books provided for the minutes of the meeting of the Board;
- (b) See that all notices are duly given as required by law and in accordance with this chapter;
- (c) Be responsible for the custody and maintenance of all records of the Agency;

- (d) Make or cause to be made conforming technical amendments to the Agency's official records of public proceedings;
- (e) Be custodian of the seal of the Agency; and
- (f) In general, perform all the duties ordinarily incident to the office of the Secretary.

18) Subsection 2 of Section 3508 (10 DCMR § 3508.2) is amended to read as follows:

The affirmative vote of a majority of the then incumbent members of the Board of Directors shall be necessary to effect an amendment of the bylaws of the adoption of new bylaws.

19) Section 3513 (10 DCMR § 3513) entitled "AGENCY ADVISORY COMMITTEE" is deleted in its entirety and substituted with the following:

**3513            ADVISORY COMMITTEES**

The Agency may establish advisory committees or groups as the Agency deems necessary.

20) Section 3514 (10 DCMR § 3514) entitled "ADVISORY COMMITTEE SELECTION PROCESS" is deleted in its entirety and substituted with the following:

**3514            FUNCTION OF ADVISORY COMMITTEES**

3514.1        From time to time, the Board of Directors may cause to be appointed advisory committees or groups to advise the Agency with respect to the development of the Agency's rules, plans, and programs, and any other matters deemed appropriate.

3514.2        Advisory committees or groups shall be advisory in nature and shall not have any authority whatsoever to act for, or on behalf of the Agency.

21) Section 3515 (10 DCMR § 3515) is deleted in its entirety.

23) Section 3516 (10 DCMR § 3516) is deleted in its entirety.

24) Section 3517 (10 DCMR § 3517) is deleted in its entirety.

25) Section 3599.1 (10 DCMR § 3599.1) is amended in part as follows:

i) The definition of Advisory Committee is deleted in its entirety and substituted with the following:

**Advisory Committees** – advisory committees or groups established from time to time by the Agency.

ii) The definition of Eligible persons is deleted in its entirety and substituted with the following:

**Eligible persons** – individuals and families who qualify for housing under a given program according to requirements established by the Agency.

iii) The definition of Housing project is deleted in its entirety and substituted with the following:

**Housing project or project** – any undertaking to plan, develop, construct or rehabilitate one or more dwelling units which meet the requirements of the Act. An undertaking may include, but not be limited to:

- (a) Necessary or desirable appurtenances to residential housing such as streets, sewers, utilities, parks, site preparation or landscaping;
- (b) Non-housing facilities, such as offices, stores, commercial facilities, community, medical, educational, social, health, recreational, and welfare facilities, reasonably related to and subordinate to the housing project as determined to be necessary, convenient or desirable by the Agency; and
- (c) Facilities that incorporate the residence and care of persons with special needs.

iv) The definitions in Section 3559 (10 DCMR § 3559 are amended to include a definition for Conforming technical amendments which shall read as follows:

**Conforming technical amendments** – an amendment to grammar, spelling, typographical errors or to inaccurate or incomplete citations in Agency resolutions or other official records or proceedings.

v) The definition of Low-income person is amended to read as follows:

**Low-income persons** – persons and families whose annual income as determined by the Agency does not exceed the low-income requirements of § 102(12) of the Act.

vi) The definition of Moderate-income persons is amended to read as follows:

**Moderate-income persons** – persons and families whose annual income as determined by the Agency does not exceed the moderate-income requirements of § 102(13) of the Act.

vii) The definition of Moderate-income persons is amended to read as follows:

**Very low-income persons** – persons and families whose annual income as determined by the Agency does not exceed the very low-income requirements of § 102(20) of the Act.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty days after the date of publication of this notice in the Register. Comments should be filed with the Acting Executive Director and Acting Secretary to the Board, at 815 Florida Avenue, N.W., Washington, D.C. 20001. Copies of these proposed rules may be obtained at that address.